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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,968	06/14/2005	Mensur Velicanin	BM-173PCT	7510
40570	7590	04/23/2010		
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER FULTON, KRISTINA ROSE	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 04/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,968

Applicant(s)

VELICANIN, MENSUR

Examiner

KRISTINA R. FULTON

Art Unit

3673

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed 2/1/10. Claims 1-3 are pending and stand rejected as set forth below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

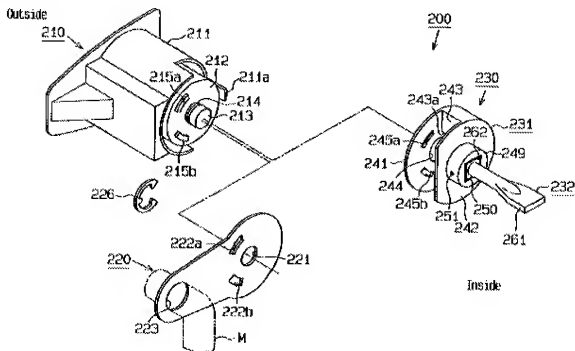
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katagiri (US 6837083) in view of Brahler (US 3869877).

4. Regarding claim 1, Katagiri shows an actuating device for a lock in a door or hatch of a motor vehicle (column 1, line 8), with a lock cylinder (200), which has a lock (column 9, lines 57-58) located a certain axial distance away and a one-piece shaft (232) extending between the lock cylinder and the lock; which shaft transmits a force to the lock when the lock cylinder is rotated; the shaft is flexible in an axial direction of the

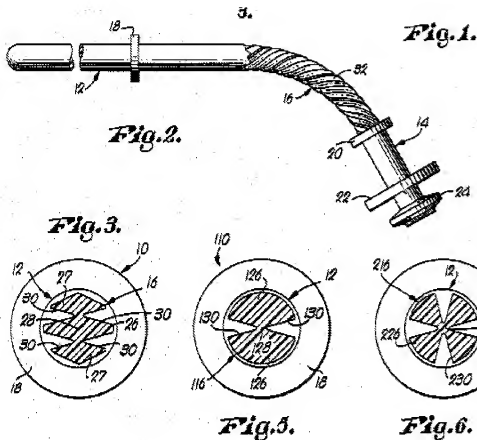
shaft to compensate for a radial offset between the axis of the lock cylinder and the lock (column 12, lines 15-25) and wherein a driver (261) for actuating the lock and/or a connection (230) for the lock cylinder is formed integrally on the shaft. See the Katagiri device below.

Fig.11



5. Although Katagiri shows applicant's basic inventive concept of an actuation device for a lock in a motor vehicle, Katagiri fails to show a shaft which submits a torque having the claimed notches, but Brahler shows this to be well known in the art. Brahler shows a flexible drive shaft (10), usable in any application (column 4, lines 40-48) for transmitting torque (column 4, line 31) wherein the one-piece shaft is made of flexible material (see claim 1) and has a family of notches (30) extending transversely to the

axis of the shaft; the notches are recessed in pairs (see figure 3) into the shaft from diametrically opposing sides, the notches each having two flanks (each side of the notch); wherein when the shaft is stretched out straight, the two flanks of the notches are "essentially" parallel to each other and extend radially with respect to the axis of the shaft; wherein the notch pairs leave a web (28) in the shaft between the flanks the web is located on the axis of the shaft and extends essentially across the entire diameter of the shaft; the web produces flex points(see bending at 32 in figure 2), at which, when bending load is exerted on the shaft, the two flanks of the notch pairs can swing toward or away from each other (the flanks can bend toward or away from each other depending on the bending of the shaft); wherein intermediate axial pieces (26, 27), extending in the axial direction of the shaft and with the full cross section of the shaft, remain between successive pairs of diametrically opposing notches. It would have been obvious to one of ordinary skill in the art to replace the shaft portion of Katagiri using the flexible shaft of Brahler to provide enhanced flexibility. Replacing one flexible shaft with another flexible shaft is considered to be within the level of ordinary skill in the art. See the Brahler device below.



6. Regarding claim 2, Katagiri in view of Brahler, Katagiri shows the driver (261) has the form of a paddle.

7. Regarding claim 3, Katagiri in view of Brahler, Katagiri shows the connection (230), wherein an overload element (free wheel type cylinder; column 13, lines 4-15) is integrated into the connection (column 13, lines 4-15), the overload element, when the lock cylinder is actuated as normal by the key, ensures a nonrotatable connection between the cylinder core and the connection at the outer end of the shaft, but also wherein, when the lock cylinder is actuated forcibly as a result of which a specific torque limit is exceeded, the overload element lets the cylinder core and the driver for

the lock rotate freely with respect to each other (column 13, lines 4-15).

Response to Arguments

1. Applicant's arguments filed 2/1/10 have been fully considered but they are not persuasive. Regarding the argument relative to feature E, the examiner points out that the E portion of the claim only requires a flexible material and a family of notches transverse to the axis. Brahler teaches this limitation as shown in the figures above. Please note that "a continuously changing cross-section and a full cross-section" are being argued but are not claimed. Regarding feature L, merely stating that Brahler does not have the limitation does not constitute a valid argument. Further explanation and reasoning should be provided as the examiner believes Brahler does teach this feature as argument above. Regarding feature G and the term "essentially parallel", Brahler shows flanks that extend at different including some radial and some parallel to each other. Please note the different shapes of Brahler disclosed in the figures. Regarding the features to H and I, including the web, Brahler shows the web as identified above (between the flanks).

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA R. FULTON whose telephone number is (571)272-7376. The examiner can normally be reached on M-TH 7-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

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/K. R. F./

Examiner, Art Unit 3673

4/22/10